

### **Remarks**

This Amendment is in response to the Office Action mailed on June 1, 2004. Claims 27, 29, 34, 36, 37 and 48-59 have been cancelled. Claim 26 was amended to include the subject matter of claim 37. Claim 28 was amended to depend from 26 and include some of the subject matter of claim 27. Claim 38 was amended to more clearly claim the ridge that can retain a dishwashing utensil. Claim 40 was editorially amended. New claim 60 combines previously presented claims 26 and 30; new claim 66 combines previously presented claims 26 and 32; and new claim 71 combines previously presented claims 26 and 35. New claims 61, 67, and 72 track currently amended claim 28; new claims 62, 68, and 73 track previously presented claim 31; new claim 63 tracks previously presented claim 32; new claims 64, 69 and 74 track previously presented claim 33; and new claims 65 and 70 track claim 35. The amendments are supported at Figures 2-4 and at page 8, lines 10-18. Accordingly, no new subject matter has been added.

Claims 26, 28, 30-33, 35, 38-47, and 60-74 are pending. In view of the above amendments and the following remarks, Applicant submits that the pending claims are in condition for allowance.

### **Indefiniteness Rejections**

Claims 32, 33, 43, 44, 55, and 56 were rejected under 35 U.S.C. 112 as being indefinite for referring to terms that lack sufficient antecedent basis. In response, the above-identified claims have been amended to address this issue.

### **Double Patenting Rejections**

Claims 26-59 were rejected under the doctrine of obvious-type double patenting over claims 1-25 in U.S. Patent No. 6,619,604. In response, a terminal disclaimer has been filed herewith rendering the above rejection moot.

### **Claims Rejected only for Double Patenting and/or Indefiniteness**

In the Office Action mailed on June 1, 2004, several claims were rejected only on the grounds of double patenting or indefiniteness. Because the indefiniteness rejections and the double patenting rejections have clearly been addressed, Applicants respectfully submit that these claims are clearly in condition for allowance. For example, claims 30, 32, 35, and 37 were dependent claims that were only rejected for double patenting or indefiniteness. Applicants have incorporated the subject matter of these dependent claims into independent claim 26 or new independent claims 60, 66, and 71. The correlation between these independent claims and the original dependent claims is set forth above. Applicants respectfully submit that because the indefiniteness rejections and double patenting rejections have clearly been addressed, claims 26, 28, 30-33, 35, and new claims 60-74 are clearly in condition for allowance. Notice to that effect is respectfully requested.

### **Anticipation Rejections**

Claims 26, 29, and 34 were rejected under 35 U.S.C. 102(b) as being anticipated by Pratt (U.S. 1,221,587). Claims 29 and 34 have been cancelled rendering the rejection thereto moot. Claim 26 has been amended to incorporate the subject matter of claim 37, which was not rejected for anticipation or obviousness. Therefore, claim 26 is not anticipated.

Claims 38-45, 48-51, and 53-56 were rejected under 35 U.S.C. 102(b) as being anticipated by Schwab (U.S. 1,309,965). This rejection is traversed.

Claim 38 recites a holder for supporting a dishwashing utensil adjacent a sink that includes, among other things, a support platform sized and configured to receive a portion of the dishwashing utensil, a drainage conductor arranged proximate the front edge of the support platform, and a retaining arrangement integral with the support platform configured to constrain the dishwashing utensil within the holder, wherein the retaining arrangement comprises a ridge parallel with and along at least a portion of the front edge of the support platform. Schwab fails to disclose or suggest at least the above features of claim 38.

The Office Action erroneously asserts that the soap container of Schwab includes a support platform (bottom of soap dish 1), a drainage conductor (apron 4), and a retaining arrangement comprising a ridge (roll 3 of the rim 2) in accordance with the present invention. See Office Action at page 7, first paragraph. The roll 3 of the rim 2 is not parallel with and along

at least a portion of a front edge of a support platform where the "front edge" is defined by claim 38 as being proximate the drainage conductor (allegedly apron 4). See Schwab at Figures 1 and 2. Accordingly, Schwab fails to anticipate claim 38. Claims 39-45, 49-51, and 53-56 depend on and further limit claim 38, therefore they are also not anticipated for at least the same reasons.

Claims 38-43, 47-50, 53-55, and 58 were rejected under 35 U.S.C. 102(b) as being anticipated by Southard (U.S. 4,993,546). This rejection is traversed.

As discussed above, claim 38 recites a holder for supporting a dishwashing utensil including, among other things, a retaining arrangement integral with the support platform configured to constrain the dishwashing utensil within the holder, wherein the retaining arrangement comprises a ridge parallel to and along the front edge of the support platform. Southard fails to disclose or suggest at least the above features of claim 38.

The Office Action erroneously asserts that the self-draining soap dish of Southard includes a retaining arrangement 23 according to the invention. The retaining arrangement according to claim 38 comprises a ridge along the front edge of the support platform while the ridges referenced in Southard are perpendicular to the front edge of the referenced platform 14. See Southard at Figure 3. Accordingly, Southard fails to anticipate claim 38. Claims 39-43 depend on and further limit claim 38, therefore they are also not anticipated for at least the same reasons.

Claims 38-43, 45-55, and 57-58 were rejected under 35 U.S.C. 102(b) as being anticipated by Von Seidel (U.S. 5,680,929). This rejection is traversed.

As discussed above, claim 38 recites a holder for supporting a dishwashing utensil including, among other things, a retaining arrangement integral with the support platform configured to constrain the dishwashing utensil within the holder, wherein the retaining arrangement comprises a ridge parallel to and along the front edge of the support platform. Southard fails to disclose or suggest at least the above features of claim 38.

The Office Action erroneously asserts that the soap dish of Von Seidel includes a retaining arrangement 15 according to the invention. The retaining arrangement according to claim 38 comprises a ridge along the front edge of the support platform while the ridges referenced in Von Seidel are perpendicular to the front edge of the floor 6. See Von Seidel at Figure 1. Accordingly, Von Seidel fails to anticipate claim 38. Claims 39-43 depend on and further limit claim 38, therefore they are also not anticipated for at least the same reasons.

### **Obviousness Rejections**

Claim 36 was rejected under 35 U.S.C. 103(a) as being obvious over Pratt (U.S. 1,221,587). Claim 36 has been cancelled, rendering the rejection moot.

Claim 59 was rejected under 35 U.S.C. 103(a) as being obvious over Southard (U.S. 4,993,546) in view of Martell (U.S. 5,242,064) and was also rejected under 35 U.S.C. 103(a) as being obvious over Von Seidel (U.S. 5,680,929) in view of Martell (U.S. 5,242,064). The cancellation of claim 59 renders these rejection moot.

### **Conclusion**

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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